

United States District Court
District of Massachusetts

BANCO DO BRASIL, S.A.,
Plaintiff,

v.

272 WASHINGTON STREET CORP., as
Trustee of the Washington Street
Realty Trust II,
Defendant.

Civil Action No.
09-11343-NMG

ORDER

GORTON, J.

Plaintiff's motion for a protective order (Docket No. 161) is **ALLOWED**. The deposition of Paul Allan Schott will be taken between Tuesday, September 4, 2012 and Friday, September 7, 2012. Plaintiff shall pay the cost of expedited daily copy.

With respect to Thomas Barnes, plaintiff will either confirm his availability to testify and produce him at a time and place convenient to Attorney White during the week of September 3, 2012 and pay the cost of expedited daily copy, or will be foreclosed from calling Mr. Barnes as an expert.

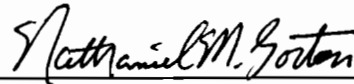
The defendant's motion to compel plaintiff to produce documents which were produced by McKinsey & Company, Inc. in response to a Rule 45 Subpoena (Docket No. 154) is **ALLOWED**. Plaintiff shall not interfere with McKinsey's production of those documents to the defendant. To the extent that the plaintiff

claims the documents are privileged, they may be submitted to the Court for in camera review.

Counsel are forewarned that any further discovery disputes that are referred to this Court will likely result in the imposition of sanctions against counsel for the losing party.

Finally, after consideration of the objections thereto, the Report and Recommendations (Docket No. 130) on plaintiff's renewed motion for summary judgment (Docket No. 94) is accepted and adopted.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated August 17, 2012